

STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

NO ENDORSED

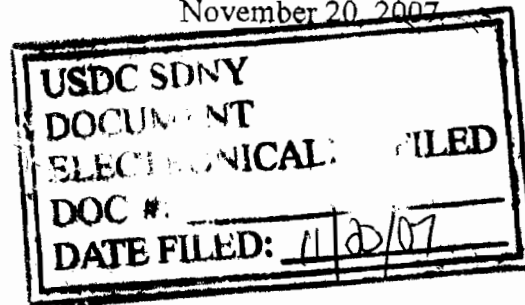
ANDREW M. CUOMO
Attorney General

CRIMINAL DIVISION
Federal Habeas Corpus Section

Writer's Direct Telephone No.
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November 20, 2007

Hon. Theodore H. Katz
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: Craig Smith v. John Burge
07-CV-5679 (RJH)(THK)

Your Honor:

I am an Assistant Attorney General in the office of Andrew Cuomo, Attorney General of the State of New York, and I will be representing respondent in the above-referenced habeas corpus matter. I am writing to request an extension of time in which to respond to Mr. Smith's habeas petition.

On, October 11, 2007, Your Honor issued an order requiring respondent to file a response to the petition by November 26, 2007. Upon receiving the order, my office requested the state court record (including the briefs on direct appeal, any documents pertaining to any collateral motions, and the transcript) from the the New York County District Attorney's office. Last week I received several of these requested documents, however, I need more time to sort through these documents and formulate my response. This is my first request for an extension in this matter.

As a result, I am requesting a sixty-day extension from the original due date, until January 25, 2008 to file my response.

Respectfully submitted,

Leilani Rodriguez
Leilani Rodriguez
Assistant Attorney General
Federal Habeas Corpus Section

*The response to the petition
shall be filed on or before
January 25, 2008. Any reply
shall be filed by Feb. 22, 2008.*

*So ordered.
11/20/07 Theodore H. Katz
11-57115*

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TO COUNSEL OF RECORD ON

11/20/07

CC: Craig Smith
99-A-1899
Attica Correctional Facility
Box 149
Attica, New York 14011